



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 21	Assembly Amendment 1
<i>Memo published: April 30, 2003</i>	<i>Contact: Philip Cardis, Staff Attorney (267-0683)</i>

Current law provides that no person may operate a vehicle on a highway unless the vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

Assembly Bill 21 specifies that any vehicle that is equipped with a dump body and that is carrying any load extending above the top of the dump body must be covered when being operated on a highway. This is to prevent the load from dropping or sifting from the vehicle. The bill provides for two exceptions to this requirement: (1) for vehicles temporarily operated on a highway between fields or between a farm and a field; and (2) for vehicles applying bulk material to a highway for highway construction or maintenance.

Assembly Amendment 1 modifies the bill in three ways: (1) removes the covering requirement and clarifies how certain loads should be loaded; (2) provides a penalty provision for a loader of a dump body truck; and (3) includes an effective date provision.

Removes the Covering Requirement and Clarifies How Certain Loads Should be Loaded

The amendment does not require covering of loads extending above the top of the dump body. Rather, the amendment clarifies how loads of inorganic materials, which is less than 6 inches in diameter, should be loaded in a vehicle equipped with a dump body. Specifically, the amendment provides that “no person may operate on a highway a vehicle that is equipped with a dump body and that is carrying any load of inorganic materials, any portion of which is less than 6 inches in diameter, unless the vehicle is so loaded as to prevent the load from dropping or sifting from the vehicle and the highest point of the load is below the horizontal plane of the uppermost sides of the dump body or any structural device installed to extend the sides of the dump body.”

Provides a Penalty Provision for a Loader of a Dump Body Truck

The amendment provides that “no person may load a vehicle or cause a vehicle to be loaded if the person has knowledge that the vehicle, as loaded, will be operated upon a highway in violation” of loading requirements for dump body trucks. Also, the amendment clarifies that “any person who loads or causes to be loaded, and then operates, the same vehicle” is subject to only a single penalty.

Includes an Effective Date Provision

The amendment includes an effective date provision, which provides that this act will take effect on the first day of the 7th month beginning after publication.

Legislative History

The Assembly Committee on Transportation introduced Assembly Amendment 1 and recommended its adoption on a vote of Ayes, 11; Noes, 1; and recommended passage of Assembly Bill 21, as amended, on a vote of Ayes, 8; Noes, 4; on April 24, 2003.

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